

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

FILED

FEBRUARY 9, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Joyce Brown
Deputy Attorney General
Tel (973) 648-4447

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MANUEL O. GARCIA, M.D.

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey Board of Medical Examiners upon receipt of information that Respondent entered into a Consent Agreement and Order on April 22, 2005 with the New York State Department of Health, State Board for Professional Medical Conduct ("New York Board") which, upon application by Respondent, was made a part of a Consent Order filed by the New York Board on June 6, 2005. On or about May 2, 2005 the New York Board filed a Statement of Charges against Respondent alleging in the First through Third Specifications that Respondent committed professional misconduct as defined in N.Y. Educ. Law §6530(44)(a) by engaging in physical contact of a sexual nature with a patient; alleging in the Fourth through Seventh Specifications that Respondent committed professional misconduct as defined in N.Y. Educ. Law §6530(20) by engaging in conduct in the

CERTIFIED TRUE COPY

practice of medicine that evidences moral unfitness; and alleging in the Eighth through Eleventh Specifications that Respondent committed professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient. Respondent asserted that he could not successfully defend against at least one of the acts of misconduct alleged, and agreed in the Consent Agreement and Order that his license to practice medicine in the State of New York shall be suspended for a period of 36 months, with the entire period of suspension to be stayed. Respondent was also placed on probation for a period of 36 months, subject to certain terms including a condition for a Behavior Monitor to observe and assess Respondent's behavior in his medical practice and enrollment in and completion of continuing education in the areas of Ethics, Transference and Boundaries.

Respondent has represented that currently he is employed in New Jersey by UMDNJ-University Correctional Health Care, that his employer and supervisor are aware of the New York action as recited above, and that he is assigned as of January 17, 2006 to Southwoods Prison in Bridgeton, New Jersey where he works in an all male medium security facility.

The parties being desirous of resolving this matter and the Board finding the within Order to be adequately protective of the public interest and for good cause shown;

IT IS THEREFORE ON THIS 8th DAY OF *February* 2006 HEREBY ORDERED
AND AGREED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey shall be and hereby is suspended for a period of 36 months with the entire period of suspension to be stayed. Respondent's license shall be placed on probation for a period of 36 months effective on the entry date of this Order.

2. Respondent shall immediately contact the Professional Assistance Program of New Jersey ("PAPNJ") and schedule an evaluation by Louis E. Baxter, Sr., M.D. who shall immediately refer Respondent for a psycho-sexual evaluation by a Board approved licensed New Jersey psychiatrist. Respondent agrees to abide by the recommendations of the psychiatrist set forth in the report of evaluation issued by that psychiatrist. Respondent waives the right to confidentiality of that report and release of report to the Board. In the event that the evaluating psychiatrist recommends therapy or a practice limitation, Respondent agrees to enter into either a Private Letter Agreement or Consent Order with this Board embodying such recommendations. Respondent shall be responsible for the payment of all costs associated with the evaluations performed by the PAPNJ and the referenced psychiatrist.

3. In the event that the New York State Office of Professional Medical Conduct ("OPMC") grants Respondent an early termination of probation, Respondent may petition this Board for early termination of probation upon completion of twenty-four months of probation in New Jersey and submission of documentation

from OPMC that Respondent has satisfied the terms of probation in New York State. The Board in its discretion will determine such application.

4. Respondent shall work only in a structured setting under supervision serving an all male patient population. The supervisor, and any successor thereto, shall be approved by the Board. The supervisor shall be given a copy of the June 6, 2005 New York Consent Order including the April 22, 2005 Consent Agreement and Order and a copy of this Order.

5. Respondent represents that in his current employment at Southwoods Prison he is employed as a psychiatrist who provides medical or psychopharmacological treatment to his patients. Respondent agrees he shall take all reasonable professional measures to assure that he shall maintain physical boundaries when he is treating patients. Furthermore, he agrees he shall be aware of various transference issues and be sensitive to such issues in his verbal and nonverbal behavior toward his patients. Respondent also agrees he shall only practice medicine within the boundaries of the practice of psychiatry and he shall not engage in the practice of non-psychiatric treatment when he is treating patients. Rather, if Respondent suspects a patient has a medical problem, Respondent agrees he shall refer that patient to an appropriate physician or specialist, except in an emergency when Respondent may take a patient's blood pressure or administer first aid.

6. Respondent's supervisor shall agree to report to the Board in writing every four (4) months from the entry date of this Order, as to Respondent's progress and behavior in the practice of medicine and in his employment, and to immediately (within 24 hours) report to the Board any conduct with a patient which might be considered a violation of this Order or the statutes and regulations governing the practice of medicine or physically or sexually inappropriate or if any improprieties have been observed. The reports shall be submitted to Joseph Gluck, M.D., Medical Director, Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183.

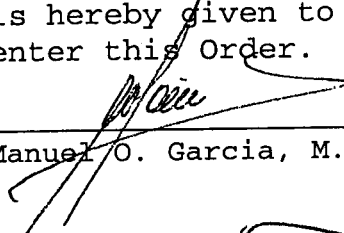
7. Respondent shall submit to the Board the name and C.V. of all proposed supervisors, who hold a medical license in New Jersey, for approval of the Board, and shall provide a copy of this Order to all proposed supervisors.

8. Respondent shall immediately provide the Board written information of any allegations of any violations of the New York Consent Order or of any disciplinary action taken by the New York Board.

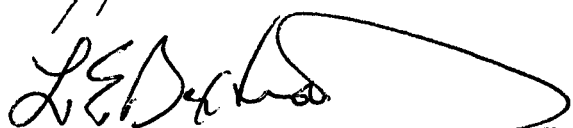
STATE BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, MD
Sindy Paul, M.D.
Board President

I have read and understand the contents of this Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

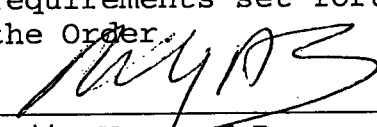


Manuel O. Garcia, M.D.



Louis E. Baxter, Sr., M.D. FASAM
Executive Medical Director
Professional Assistance Program of
New Jersey

I have read this Order and agree to comply with the monitoring and reporting requirements set forth in the Order.



Rajiv Vyas, M.D.
Regional Director of Psychiatry
UMDNJ-University Correctional Health Care